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C TUTIONAL CONVENTION COMMISSION

NOTICE

The enclosed material has been prepared by the Commission in the course of its work. Although parts of it may have been incorporated in the Commission's final report and although part may be superseded by action of the Constitutional Convention, we are sending a copy to you in order to complete your files concerning the Commission's activities.

John C. Brooks
Executive Director

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CONSTITUTIONAL CONVENTION COMMISSION

MINUTES

Holiday Inn Downtown
Baltimore, Maryland

October 14, 1966 - October 16, 1966

ABSENT: MILES, TEMPLETON AND WALSH

The chairman opened the meeting by discussing the current status of the Commission's work.

The minutes of the July meeting were approved as submitted.

The first order of business was a consideration of the Second Report of the Committee on State Finance and Taxation presented by the chairman of the committee, Mr. Case. Section 1 as set forth in the report was approved as submitted. After a consideration of Section 2, the words "in regular session" were inserted after the words "General Assembly" within the parentheses.

Section 3 was then considered. It was moved by Mr. Sykes, seconded and passed by a vote of 12 to 5 that the language of Section 3 was not intended to indicate any view for or against state aid to private schools.

It was next moved by Mr. Miller, seconded and defeated by a voice vote that the words "and for state support to local school systems as required by law" be deleted.

Section 4 was then discussed and approved by concensus.

Section 5 was then considered. The last sentence was referred to the Committee on Style for consideration of clarification of the

language to eliminate the double exception nature of the language. It was the concensus that the words "salary or" in the third sentence of the section should be deleted subject to review by the Committee on Style. The necessity of the cross-reference to Section 34 in Section 5 was also referred to the Committee on Style.

It was then moved by Mr. Sykes, seconded and adopted by a voice vote that the first sentence of Section 5 read as follows: "The General Assembly shall not amend the budget or the budget bill so as to change the estimate of revenues therein contained, or affect" with the remainder of the section to remain the same, but with clauses (b) and (c) being relettered (a) and (b).

A motion by Mr. Scanlan to delete the last sentence of Section 5 failed for want of a second.

Section 6 was then considered. After discussion it was the consensus that the words "10 days before the expiration" be changed to "50 days after its introduction" in Section 6.

A suggestion that the sixth line of Section 6 be more simply written was referred to the Committee on Style. It was then moved by Mr. Scanlan, seconded and defeated by a vote of 3 to 12 that Section 6 be amended to delete everything except the first and last sentences.

Mr. Case then discussed Section 7. A motion by Mr. Sayre to recommit to the committee the question of the limitation on the legislature's power to compel the appearance of members of the executive department failed or lack of a second.

It was moved by Mr. Miller, seconded and rejected by a vote of 6 to 11 that Section 7 be eliminated except to retain the substance of the last clause of the section.

It was moved by Mr. Sykes, seconded and adopted by a vote of 7 to 6 that the words "expending or applying for state monies (other than the governor)" be inserted after the word "government."

Section 8 was then discussed. The Committee on Style was asked to consider eliminating the last sentence of Section 8 and adding a reference to supplementary appropriation bills to Section 7. It was the consensus that the Committee on Style conform the language of Section 8 to other provisions adopted by the Commission and to further consider substituting the word "or" for the words "in addition" in the second sentence.

Section 9 was then discussed. It was the consensus that the words "emergency appropriation" should be replaced by the words "supplementary appropriation bill."

It was moved by Mr. Clagett, seconded and rejected by a vote of 4 to 13 that the Committee consider whether the legislature should have the right to make appropriations at an emergency session without being subject to the requirement that it provide the revenue therefor.

It was moved by Mr. Sayre, seconded and defeated by a vote of 8 to 10 that the Committee prepare a report discussing the question of dedicated or earmarked taxes.

The Seventh Report of the Committee on Elective Franchise and Declaration of Rights was then presented by the Committee Chairman, Mr. Gentry. The report presented the revisions of certain sections as directed by the Commission. The first section considered was Section 4 concerning disqualifications from voting. The Committee on Style was requested to consider inserting the words "reasons of" before the word "mental."

Sections 7 and 8 were then considered. With respect to Section 8 the Committee on Style was requested to make clear that a bill passed by a three-fifths vote would take effect immediately notwithstanding the filing of a referendum petition, and also to make clear the date on which a bill becomes law.

Section 9 was then considered. It was moved by Mr. Scanlan, seconded and

RESOLVED: That Section 9 be approved as drafted by the committee.

A motion by Mr. Mitchell to reconsider the question of having a statewide referendum rather than a local referendum on local matters failed for want of a second.

Section 10 was then considered.

Mr. Scanlan, the chairman of the Committee on Convention Procedures, then presented the Sixth Report of that committee. A discussion was had on whether the bill could be enacted as an emergency measure. The committee was directed to consider the possibility of obtaining an opinion from the Attorney General.

Section 1 of the proposed Enabling Act was then discussed. It was moved by Mr. Bond, seconded and rejected by a vote of 5 to 15 that delegates run on the basis of residence in legislative districts rather than counties.

It was moved by Mrs. Freedlander, seconded and rejected by a vote of 1 to 19 that delegates from Baltimore City be elected at large rather than from legislative districts.

Section 2 was then considered. It was moved by Mr. Sykes, seconded and by a vote of 13 to 5

RESOLVED: That the committee rephrase Section 2 to spell out the qualifications pertaining to citizenship and residency.

Section 3 was then discussed. It was moved by Mrs. Bothe, seconded and rejected by a vote of 7 to 12 that the clause requiring the filing of an affidavit in accordance with Section 15 of Article 85(A) of the Maryland Code be deleted. It was the consensus that the words "on every week day" be deleted.

Sections 4 and 5 were then discussed. It was moved by Mrs. Bothe, seconded and rejected by a vote of 4 to 12 that candidates be listed alphabetically rather than by lot.

Sections 6 and 7 were then reviewed.

It was the consensus, with respect to Section 7, that a person appointed to fill a vacancy at the convention must reside in the county or district for which the vacancy exists. It was moved by Dr. Jenkins, seconded and rejected by a vote of 5 to 15 that the convention fill vacancies occurring prior to the convention as well as those occurring after the convention convened.

The committee was requested to consider the question of the death of the only person who had filed for the office of delegate between the time of the closing of nominations and the time of the election.

The Commission then discussed Section 8. A consensus was reached that the section be redrafted to express the intent that the convention adjourn not later than January 12, 1968.

At the suggestion of the chairman, the third sentence was changed by substituting the word "president" for the words

"temporary chairman" and the words "have elected" were substituted for the words "be organized by the election of."

The ninth section was then considered. It was the consensus to insert in the first sentence after the word "receive" the words "for compensation and reimbursement of expenses."

Mr. Scanlan then presented Section 10. It was moved by Mr. Sayre, seconded and by a vote of 12 to 6

RESOLVED: That all of the words in the oath after "1967" be deleted.

It was moved by Mrs. Bothe, seconded and by a voice vote

RESOLVED: That Section 10 be redrafted to require delegates to take the oath prescribed by Section 6 of Article 1.

Section 11 was then reviewed. There was some discussion as to whether the Enabling Act should require that all sessions of the session be public and that the convention be required to keep a journal of its proceedings.

Section 12 was then discussed. It was the consensus to insert the words "or change or amendment of the existing Constitution" before the words "for submittal."

Section 13 was then reviewed.

There was a discussion of whether the convention should have the power to submit several separate proposals or whether the convention's work must be submitted as a whole. It was moved by Dr. Burdette, seconded and rejected by a vote of 4 to 15 that Section 13 provide that the convention may determine whether to submit a new constitution in parts or as a single entity.

It was further moved by Mrs. Bothe, seconded and rejected by a vote of 5 to 13 that the convention be authorized to submit only a new constitution and not amendments to the old Constitution.

The Commission then debated Section 14 and after discussion the section was referred back to the committee to reconsider the use of the word "schedule."

Section 15 was then reviewed.

It was moved by Mr. Scanlan, seconded and by a voice vote

RESOLVED: That the Commission recommend to the Governor and to the legislature that the entire expense of the special election of delegates to the convention be paid by the State and that the Committee on Convention Procedures draft appropriate legislation to this end.

A discussion was then held on the desirability of preparing proposed rules for the convention. It was moved by Mr. Sayre, seconded and by a voice vote

RESOLVED: That the Committee on Convention Procedures draft proposed rules for the convention.

The Commission then took under consideration the Fifth Report of the Committee on Miscellaneous Provisions presented by the chairman of the committee, Mrs. Bothe.

Sections 1 and 2 were then considered. It was moved by Mrs. Freedlander, seconded and by a vote of 15 to 6

RESOLVED: That Section 1 be deleted and that the following words be added to the end of Section 2: "and shall also provide for such other public educational

institutions as may be desirable for the intellectual, cultural and occupational development of the people of this State."

It was then moved by Judge Adkins, seconded and by a vote of 20 to 1

RESOLVED: That the aforegoing motion be amended by substituting the word "State" for the words "General Assembly" and to insert the words "by law" after the first "provide" in the section.

A discussion was had on the meaning of the words "children of school age." It was stated that the committee's intent was that the words "public schools" should include secondary schools. It was moved by Dr. Bard, seconded and by a vote of 4 to 19 rejected that the word "children" be deleted.

Section 3 was then discussed by the Commission. It was moved by Mr. Scanlan, seconded and by a vote of 11 to 10

RESOLVED: That Section 3 be deleted.

It was then moved by Dr. Jenkins, seconded and by a voice vote

RESOLVED: That the minutes state that the vote to delete Section 3 should not be construed as disapproval by the Commission of statutory autonomy for University of Maryland or other state colleges.

There was a consensus that a further consideration of Section 3 should be had in view of the close vote.

It was then moved by Judge Adkins, seconded and by a vote of 15 to 1

RESOLVED: That Section 3 be referred back to the committee for a reconsideration and submission, as a special

order of business at the next Commission meeting, of a redraft of the section providing for somewhat less than the autonomy originally proposed.

The recommendation of the committee that Section 3 of Article 8 be eliminated and that there be no explicit reference to the long established practice of state aid to private educational institutions.

The Fifth Report of the Committee on the Judiciary Department was then presented by the committee's chairman, Mr. Martineau. Sections 2A, 2B, 3A and 3B were discussed by the Commission. The Committee on Style was requested to consider eliminating the repeated use of the word "exclusively" throughout the article. Sections 4A and 4B were considered. The committee was requested to redraft Section 4B to make it clear that the legislature could only allocate the number of judges for each county and not vary the residency requirements between counties.

Sections 5A and 5B were considered. It was the consensus that the third sentence in 5B should be deleted.

The Commission then discussed Sections 6, 7 and 8.

It was moved by Mr. Bond, seconded and by a vote of 4 to 13 rejected that Section 8 be reconsidered by the Commission.

Sections 9 through 12 were then considered. Mr. Martineau stated that the committee desired to make the following changes in Section 12. First sentence, substitute the words "paid compensation" for the word "compensated." Second sentence, delete the words "during his continuance in office." Third sentence, delete entirely. Fourth sentence, delete the words "including pensions." Add a fifth sentence" "Compensation means salary

during continuance in office and pension based on length of service payable to a retired judge and his surviving spouse."

A suggestion by Dr. Bard that the word "his" in the proposed fifth sentence was referred to the Committee on Style. In addition, the phrase, "same reduction" was referred to the Committee on Style for clarification. After discussion, it was moved by Mr. Gentry, seconded and by a vote of 15 to 5

RESOLVED: That Section 12 as modified by the committee be approved with the following modifications: (a) Inserting after the word "judge" in the second paragraph language to indicate that the prohibitions apply only during continuance in office or while receiving a pension; and (b) that pensions be permissive and not mandatory except pensions once granted shall not be reduced.

Sections 13 and 14 were then reviewed.

Mr. Martineau called the attention of the Commission to a letter from Judge Prendergast, Chairman of a special committee of the Supreme Bench, setting forth certain objections to the Judiciary Article. He stated that a copy of the letter would be sent to each member of the Commission.

The Sixth Report of the Committee on the Executive Department was then presented by the chairman of the committee, Judge Adkins. Section 5 (b) was considered first. It was the consensus that the words "a majority" should be substituted for the words "the members."

Section 5 (c) was then considered. It was the concensus that the word "exists" should be substituted for the word "occurs" to clarify the distinction between when the President of the Senate succeeds to the office of governor and when he merely serves as acting governor. In the latter case, no vacancy exists.

Sections 5 (d), 5 (e), 9 (a) and 9 (b) were then considered. The committee suggested adding the words "executive or" before the word "administrative" to limit the governor to executive or administrative bodies, and excluding legislative or judicial bodies. It was moved by Mr. Sayre, seconded and rejected by a voice vote that Section 9 (b) remain as submitted in the report.

Section 11 was then considered. Judge Adkins stated that "administrative offices" was not intended to include officers responsible to the judicial or legislative branches. The committee was instructed to work out the language to accommodate this section to the amended Section 9 (b).

Section 12 was then discussed. It was moved by Dr. Jenkins, seconded and by a vote of 15 to 6

RESOLVED: That Section 12 be amended by inserting the words "and the state superintendent of schools" after the word "education" and to amend Section 12 (c) by making the same amendment.

After discussion the committee agreed to further amend Section 12 to insert in Section 12 (c) in the first sentence after the word "Presidents" the words "and governing boards." As amended, the section was approved.

The Seventh Report of the Committee on the Legislative Department was then presented by Dr. Bard, the chairman of the committee.

The first part of the report dealt with sections originally proposed in the Sixth Report of the Committee which were referred back to the committee by the Commission.

Section 5 was the first section considered. It was moved by Judge Adkins, seconded and by a voice vote

RESOLVED: That the word "timely" be deleted from the section.

It was the consensus that the plan referred to in Section 5 included congressional redistricting, legislative districting and legislative apportionment and that a single plan could embrace two or more districting plans. The Committee on Style was requested to clarify this point.

Section 7 was then discussed. It was moved by Dr. Bard on behalf of the committee, seconded and by a vote of 9 to 7

RESOLVED: That the Commission should reconsider whether the legislature should be a continuing body.

It was then moved by Mr. Bond that Section 5 be amended to make the General Assembly a continuous body terminating as provided by law. A consensus was then reached that while continuous sessions had certain theoretical and practical advantages, the legislature could be strengthened in the same direction by a provision allowing the legislature to call itself into special session by extraordinary vote. Dr. Bard, with the committee's consent, withdrew his motion for reconsideration.

It was then moved by Dr. Bard, seconded and by a vote of 12 to 5

RESOLVED: That the Commission reconsider the question of the power of the Legislature to call itself into special session by extraordinary vote.

It was then moved by Dr. Bard, seconded and by a vote of 12 to 5

RESOLVED: That the following words be added to Section 5 at the end of the last sentence, "and must convene the General Assembly upon the written request of three-fifths of the members of each house thereof."

It was the consensus to insert in the first sentence after "convene" the words "in regular session." It was further the consensus that the General Assembly could extend itself for only one thirty day session and this matter was referred to the Committee on Style for clarification.

Section 10 was then considered and thereafter Section 13 was reviewed.

With respect to Section 13, it was moved by Judge Adkins, seconded and rejected by a vote of 4 to 12 that the words "exercise its power to" in the third sentence be deleted and the words "germane to legislation pending" be inserted before the word "either."

It was then moved by Judge Adkins, seconded and by a vote of 11 to 5

RESOLVED: That the following words be added to the end of the third sentence "and provided such action shall

be taken by a two-thirds vote of the house exercising the power."

It was also moved by Judge Adkins, seconded and by a voice vote

RESOLVED: That the following sentence be added to the section: "The right of all persons to fair and just treatment in the course of legislative and executive investigations shall not be infringed."

It was the consensus that the Committee on Style should review the third sentence as amended and the new sentence and revise both to express the intent that to compel the attendance of witnesses before its committees, the legislature must first pass a law providing protection to all witnesses before committees and then pass a resolution by a two-thirds vote to compel a particular witness to appear before a particular committee.

It was also the consensus that the word "sittings" in the second sentence should be deleted, and the word "sessions" be substituted in its place.

It was also the consensus that the word "final" be deleted from the first sentence.

Section 15 was then discussed.

The Commission then considered Section 16. It was the consensus that the words "upon conviction" before the word "judgment" in the third sentence be added, and the Committee on Style was requested to consider the appropriateness of the term "judgment."

It was moved by Mr. Sykes that the words "by law" be

deleted from the first sentence. After discussion it was the consensus that Section 16 was not intended to restrict the legislature's power to impeach judges. The committee was then asked to consider what officials would be subject to impeachment and report back to the next meeting of the Commission. Mr. Sykes then withdrew his motion.

After a general discussion of unicameralism and bicameralism, further discussions on the matter were deferred until the next meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Robert J. Martineau
Secretary

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John C. Brooks
Executive Director

CONSTITUTIONAL CONVENTION COMMISSION

MINUTES

October 24, 1966 -- October 25, 1966

ABSENT: MILES

The Chairman opened the meeting with some introductory remarks.

The first matter considered was the Third Report of the Committee on State Finance and Taxation presented by the Chairman, Mr. Case. The first matter discussed was Article 14 of the present Declaration of Rights. It was the consensus that this article should not be placed in the Declaration of Rights, but that the Committee should consider making more explicit the object of this article, which is to confer the taxing power only upon elected representatives of the people exercising legislative power.

Article 15 and 43 of the present Declaration of Rights were then considered along with the Committee's draft of Article 15.

After discussion, it was moved by Mrs. Bothe, and failed for want of a second, to delete from the Committee's draft of Article 15 the clause pertaining to the agricultural use of the land.

A motion by Mr. Sykes to put a period after the word "law" and to provide a second sentence stating in substance

that without limiting the power of the legislature to classify on other grounds, the classification of real property may be based on agricultural use as provided by law, failed for want of a second.

A discussion was then had on the desirability of granting to the legislature authority to authorize assessment on land on the basis of public benefit from open land as well as agricultural use. It was then moved by Mr. Clagett, seconded and by a voice vote

RESOLVED: To insert the words "or open space" after the words "agricultural use."

It was then moved by Mr. Sykes, seconded and by vote of 3 to 16 rejected to substitute for the last clause in the sentence the words "and such classification may be based upon the agricultural or open space use of property."

It was the consensus that the phrase "in respect to taxes on property" be deleted in order to emphasize the principal intent of the article to equalize assessments.

It was the consensus that the words "or subclasses" be added after the word "classes" in the third line of page 19 of the report.

Lotteries were then discussed. Mr. Case stated that the Committee recommended that Section 36 of Article III of the present Constitution be eliminated, but that the Committee wished to express that this recommendation did not constitute

an approval of a lottery, but that the Committee, while expressing no opinion on the moral questions posed by a lottery, felt that the lotteries were an inefficient method of producing revenue.

It was then moved by Mr. Clagett, seconded and by a voice vote

RESOLVED: That the constitutional prohibition against lotteries be eliminated.

Dr. Durdette and Judge Walsh requested that they be recorded as voting against the motion.

It was the consensus that the present Section 51 of Article III of the Constitution be eliminated, leaving to legislative determination the situs of property for taxation purposes.

It was the consensus that Section 37 of Article III of the present Constitution be eliminated.

The Special Report of the Committee on Miscellaneous Provisions with respect to autonomy for the University of Maryland was then presented by Mrs. Bothe, the Chairman of the Committee.

It was moved by Mrs. Bothe on behalf of the Committee for reconsideration of the Commission's vote with respect to deleting Section 3 of the education article relating to autonomy for the University of Maryland. The motion to reconsider was passed by a vote of 17 to 4. On reconsideration, the motion to delete Section 3 was defeated by a vote of 11 to 13.

It was then moved by Mr. Bond, seconded, and by a vote of 20 to 4

RESOLVED: That the following words be added to Section 3: "and the state colleges and other institutions of higher education shall formulate policies for their respective institutions and shall by law be granted such additional power of supervision, direction and control of their respective institutions and the expenditure of the funds thereof as may be feasible and consitent with their status as public agencies."

It was then moved by Mr. Scanlan, seconded and by a vote of 10 to 11 rejected that Section 3 read:

"The governing boards provided by law for the University of Maryland and state institutions of higher learning shall formulate policies for the respective institutions and shall have general supervision thereof in all academic matters. They shall by law be granted such additional powers of supervision, direction and control of their respective institutions and the expenditure of the funds thereof as may be feasible and consistent with their status as public agencies."

The Seventh Report of the Committee on the Legislative Department dealing with unicameralism and bicameralism was then presented by the Chairman of the Committee, Dr. Bard. Dr. Bard stated that the Committee, by a majority of one vote, recommended a bicameral legislature.

It was then moved by Dr. Bard, seconded and by a vote of 13 to 12

RESOLVED: That the Commission recommend a bicameral legislature.

There was a review of the Committee's draft of provisions for a unicameral legislature and it was the consensus that the draft be included in the Commission's Report as an alternate.

The Sixth Report of the Committee on Political Subdivision and Local Legislation was presented by Mr. Clagett, the Chairman of the Committee.

In the consideration of Section 11.01 it was the consensus that the word "incorporated" should be included before the word "city" in line 3 of Section 11.01(a).

Mr. Clagett then explained the entire article. After the explanation, it was moved by Mr. Case, seconded and rejected by a vote of 10 to 12 that the first sentence of Section 11.01(b) be amended to require separate approval of voters in both the area acquiring and the area to be acquired in the creation of a new county, the general effect of which would be to retain the provisions of the present Article 13 of the Constitution.

The Chairman of the Commission then reviewed generally the areas of fundamental agreement on the Commission and the areas of fundamental differences.

The areas of agreement were:

1. The legislature must have the power to alter boundaries of counties, including the power to abolish counties.

2. The legislature must have the power to create units of government between the state and county levels.

3. The precise form of regional governments will differ for different parts of the State and must be left to the legislature.

4. A multiplicity of single-purpose intergovernmental authorities is undesirable.

The areas of difference were:

1. Should the legislative action altering boundaries of counties be subject to popular referendum and, if so, to what extent?

2. Should regional governments be merely authorized or a dormant framework provided?

Section 11.01 was then considered. It was moved by Mr. Sykes, seconded and by a vote of 13 to 5

RESOLVED: That the second paragraph of Section 11.01(b) be deleted.

It was moved by Mr. Scanlan, seconded and by a vote of 15 to 3

RESOLVED: That Section 11.01(b) be amended to require an extraordinary vote of the legislature for the creation, incorporation, merger, dissolution or alteration of county lines.

The Commission then had a discussion on the question of limiting intergovernmental authorities. It was moved by Mr. Sykes, seconded and by a unanimous vote rejected that Section 11.01 be amended to provide, with respect to the creation of regional governments and intergovernmental authorities, that an authority may function in two or more regions but not only within one region. It was the consensus that, while such a proliferation of authorities was undesirable, any constitutional restriction would unduly tie the hands of the legislature.

It was then moved by Mr. Sykes, but failed for want of a second, that Section 11.01 be amended to provide that once a regional government was created or activated no intergovernmental authority could operate within that region unless its function extended beyond the boundaries of that region.

After a general discussion of regional governments, the Chairman of the Commission stated the issues before the Commission as follows:

1. Should regional governments be permissive or a dormant framework of regional governments placed in the constitution?

2. How should regional governments come into existence -- by the legislature, by local governments, by popular vote, or by an combination of these?

3. Must regional governments be representative?

4. Should intergovernmental authorities be permitted?

Question No. 3 was discussed first. After discussion, it was moved by Judge Adkins, seconded and by a vote of 12 to 7

RESOLVED: That the Constitution require regional governments to be representative governments.

Question No. 1 was then discussed. Mr. Clagett stated that the Committee's view was that writing dormant regional governments into the constitution would tie the hands of the legislature. It was then moved by Mr. Martineau, seconded and by a vote of 12 to 6

RESOLVED: That the constitution make regional governments permissive and not mandatory, and that only the General Assembly can create or define a region.

It was the consensus that there should be no limitation in the constitution on the number of regions which the legislature might create.

Question No. 2 was then reviewed. Mr. Clagett stated that the Committee's view was that only the legislature could activate a regional government. After discussion, it was decided by the Commission, by a vote of 11 to 6 to permit the legislature, local governments or the voters of an area to activate and give powers to a government within a region defined by the legislature.

The Chairman stated that his interpretation of this vote meant that any regional government activated by the legislature or any amendment thereto would have to be approved by the local governments or voters. Several members of the Commission questioned whether the vote had this effect.

It was the consensus that the words "this constitution or" be inserted after the word "by" in Section 11.02(a). It was then moved by Mr. Sykes, seconded and by a vote of 8 to 9 rejected that Section 11.02(a) be amended to substitute the word "uniformly" for the words "which in its terms and effect is."

In Section 11.0(b) it was the consensus that the words "or upon other criteria" be inserted after the word "census."

After considering Section 11.02(c), the Commission referred the section back to the Committee to have it redraft the section to express the intent that the General Assembly may enact only

public general laws, a public general law being defined in Section 11.02(c) except broadened to include laws passed pursuant to Section 11.02(b).

It was the consensus to add the words "or other representative body" at the end of Section 11.02(d).

The Committee was requested to consider substituting the words "county lines" for the words "local boundaries."

The Committee then made the following substitution for Section 11.03 as presented in its report:

> "The General Assembly shall by law provide for a plan of organization for the government of all noncharter counties of this State which shall become effective for each county on January 1 of the fourth year following the effective date of this Constitution, unless prior to that time the governing body of the county or the citizens of the county by petition in a manner which shall be prescribed by law cause to be drafted, submitted to, and have ratified by a majority of the voters of the county voting thereon a plan of organization. Until such time as the county adopts a plan or the General Assembly plan becomes effective, the existing county government shall have all the rights and powers herein provided. The plan of organization shall be amended by the electorate as provided therein and in the absence of such provision as provided by petition or recommendation of the governing body and approval of the majority of the voters voting thereon."

It was the consensus to have Section 11.04 read as follows:

> "A county may provide by public local law for the creation of any new municipal corporation within its boundaries and for methods of incorporating, merging, dissolving and creating any new municipal corporations and altering their boundaries, but no existing municipal corporation shall have its charter amended, or be dissolved or have any powers presently exercised by it withdrawn without its consent or the consent of the General Assembly by law."

Section 11.05 was then considered.

The Commission then discussed whether it should take a public position on the sixteen constitutional amendments being presented on the ballot on November 8th. It was moved by Dr. Jenkins, seconded and by a voice vote

RESOLVED: That the Commission take no position on these matters.

The matter of the extraordinary votes required in legislative matters was then discussed. The Chairman reviewed the provisions requiring such extraordinary votes. It was moved by Congressman Miller, seconded and by a vote of 9 to 7

RESOLVED: That a uniform two-thirds requirement be adopted.

It was then moved by Mr. Scanlan, seconded and by a vote of 11 to 5

RESOLVED: That the aforegoing motion be reconsidered.

It was then the consensus that the question of whether all extraordinary votes should be the same should be voted on first. It was then, by a vote of 9 to 8,

RESOLVED: That all extraordinary votes should be uniform.

The preceding motion requiring a two-thirds vote was then amended to require a three-fifths vote, and this motion passed by a vote of 12 to 5.

The Sixth Report of the Committee on the Judiciary Department was then presented by the Committee Chairman, Mr. Martineau.

He pointed out that in Section 3(b) the term "associate" should be deleted.

It was the consensus that Section 5(c) be redrafted to express the intent that a commissioner's only authority would be over the issuance of search warrants and the question of bail.

With respect to Section 12, it was moved by Mrs. Bothe, seconded and by a vote of 6 to 8 rejected that the second paragraph of Section 12 be amended to provide that no retired or former judge shall receive a pension while engaging in the practice of law and that this conduct be the only conduct which would result in the denial of a pension.

In Section 14 it was the consensus that the words "for each division" after the words "District Court" be deleted.

The Seventh Report of the Committee on the Legislative Department was then presented by the Committee Chairman, Dr. Bard.

He stated that the research of the Committee indicated that there was no inherent power of impeachment. The Committee then presented the revised draft of Section 16 as follows:

> "The House of Delegates shall have in the cases of high crimes and malfeasance in office the sole power of impeachment, but a majority of the members must concur. The impeachment powers shall extend to all elected officials, judges, and other civil officers of the State. All impeachments shall be tried by special tribunal of 12 judges appointed by the Senate from among the judges of the various state courts. Any person impeached shall be convicted only upon the concurrence of three-fifths of the special tribunal. Judgement shall be removal from office and may include disqualification from holding any office of public trust."

After discussion, it was moved by Mr. Mitchell, seconded and by a vote of 13 to 0

RESOLVED: That the words "high crimes and malfeasance" be replaced by the words "serious crimes or serious misconduct in office."

It was moved by Mr. Mitchell, seconded and by voice vote

RESOLVED: That a three-fifths vote be required to impeach.

It was the consensus to insert in the second sentence after the word "officers" the words "or other public officers designated by law."

There was then a discussion of the proper tribunal for the impeachment trial. The following votes were taken:

1. It was voted 12 to 2 for trial by judiciary if the legislature is bicameral.

2. It was voted 14 to 0 for trial by judiciary if the legislature is unicameral.

3. It was voted 9 to 5 that the Supreme Court select the members of the judiciary for the tribunal.

It was the consensus that the number 12 should be changed to 10 in the third sentence, and it was the further consensus that the words "upon conviction" should be inserted at the beginning of the last sentence.

There being no further business, the meeting was then adjourned.

Respectfully submitted,

Robert J. Martineau
Secretary

M A R Y L A N D

C O N S T I T U T I O N A L C O N V E N T I O N C O M M I S S I O N

N O T I C E

The enclosed material has been prepared by the Commission in the course of its work. Although parts of it may have been incorporated in the Commission's final report and although part may be superseded by action of the Constitutional Convention, we are sending a copy to you in order to complete your files concerning the Commission's activities.

John C. Brooks
Executive Director

CONSTITUTIONAL CONVENTION COMMISSION

MEETING: MONDAY, NOVEMBER 21, 1966

University of Maryland School of Law
Baltimore, Maryland

MINUTES

ABSENT: HARGROVE, LANE, MILES, SMITH, SYKES and WALSH.

The Chairman opened the meeting by making a number of introductory comments.

The first item considered was the Seventh Report of the Committee on Political Subdivisions and Local Legislation, presented by its Chairman, Mr. Clagett. In discussing Section 11.01 (b), it was the consensus to transpose the words "regional representative governments" and "intergovernmental authority" to make it clearer that the word "representative" did not modify "intergovernmental authorities".

Section 11.01 (c) was then considered. It was moved by Dr. Bard, seconded and by a vote of 8-10 rejected that the Commission reconsider the principle that the authority granted under Section 11.01 (c) be subject to a mandatory referendum. Dr. Bard advocated a mandatory referendum if less than a whole county were affected.

The Committee on Style was requested to consider whether the words "by law" should be inserted to conform to Section 11.01 (b) so that any action under Section 11.01 (c) would be subject to a gubernatorial veto.

Section 11.02 (a) was then considered. It was the consensus that this entire section should be reconsidered. After discussion, it was moved by Mr. Clagett, seconded and by a vote of 11-7

RESOLVED: That Alternate Section 11.02 (a) be substituted for Section 11.02 (a) previously approved by the Commission.

The only matter decided by this vote was that the legislature must establish the boundaries of a region before a regional government could be established therein.

The Commission then went on to consider Alternate Section 11.02 (a).

It was the consensus that the Committee on Style clarify the use of the word "region", in Sections 11.02 (a) and 11.02 (b), perhaps by defining the word in 11.02 (a). It was also suggested that the words "bearing the names of" be changed to "signed by the requisite number of registered voters" or some other similar language.

It was then moved by Mr. Scanlan, seconded and by a voice vote

RESOLVED: That Alternate Section 11.02 (a) be amended to provide for the amendment of any instrument of government of a region in the same manner that Section 11.04 (c) permits the amendment of an instrument of government of a county.

The Committee on Style was requested to consider changing the word "creation" to "establishment" in Section 11.02 (b) and "created" to "established" in Section 11.02 (a). It was also suggested that the Section be restyled to express the requirement that any regional government be representative in character.

It was then moved by Mr. Case, seconded and unanimously

RESOLVED: That action by the General Assembly or by legislative bodies contemplated by Alternate Section 11.02 (a) shall be by law and not by any other means.

It was the consensus that the words "those voting for Governor" be restyled to convey the meaning that this requirement applies only to those voting in the contemplated region.

Section 11.02 (b) was then discussed. It was moved by Judge Adkins, seconded and by a vote of 3-17 rejected that the section be amended to provide that after the establishment of a regional government, all governmental powers exercised by local governmental bodies except municipal corporations within regions shall be exercised exclusively by the regional governments.

It was the consensus that the Committee on Style rephrase the second sentence of the Section to include the power to impose taxes, and that language be drawn to express intent that the General Assembly may restore to counties powers withdrawn from them and granted to a region.

Section 11.02 (c) was than discussed. It was the consensus to insert at the end of the section the words "or other representative government".

Section 11.02 (c) was then reviewed.

It was moved by Mr. Case, seconded and by a vote of 18-2

RESOLVED: That the power of a county or regional government to borrow money or to give or lend its assets or credit be limited in such a manner as may be provided by law or by the charter of a county, and assets or credit may not be given or lended unless for a public purpose, and must be authorized by an extraordinary vote of the authorizing body.

It was the consensus that this be placed in Section 11.02 or some other appropriate section.

It was further moved by Mr. Case, seconded and by a voice vote

RESOLVED: That intergovernmental authorities be subject to the same restrictions.

Section 11.03 (b) and (c) were then discussed. In Section 11.03 (c) it was the consensus that after the words "applicable to" the words "all counties or to all" should be inserted.

It was then moved by Mrs. Bothe, seconded and by a voice vote

RESOLVED: That Section 11.03 (c) be amended to add at the end of the first sentence "with the exception of the withdrawal of county powers provided for in

Section 11.02 (b)" and to amend both Section 11.03 (c) and 11.02 (b) to make it clear that powers transferred from a county to a region can be withdrawn from the region and transferred byak again only to the counties composing the region.

The Commission then discussed Section 11.04 (a). It was the consensus to insert the words "general public" before the word "law" in both sentences of the Section. It was further the consensus to insert the word "either" before the word "which"; to delete the word "for" before the word "methods"; and to substitute the words "county by public local law" for "governing body", all in the first sentence of the section.

It was then moved by Judge Adkins and seconded that the second sentence by amended to read as follows: "The General Assembly shall provide by public general law an instrument of government which shall become effective for all counties existing on January 1 of the fourth year following the effective date of this Constitution, which have not previously adopted a local instrument of government, which has been submitted and approved by a majority vote of the qualified voters voting thereon."

It was the consensus to delete the words "non-charter" in the first sentence, the intent being that counties with pre-existing charters need not submit them but might do so if they desired. It was also the consensus to insert at the beginning of the first sentence "At its first session following adoption of this constitution" to insure timely action by the legislature.

A motion by Mrs. Freedlander to amend the previous motion by substituting the word "charter" for the word "instrument of government" throughout Section 11.04 was defeated by a vote of 3-12.

Judge Adkins' motion was then passed by a unanimous vote.

Section 11.04 (b) was then considered. It was the consensus to substitute the words "instrument of government" for "plan" in the section.

It was then moved by Judge Adkins, seconded and by a vote of 17-1

RESOLVED: That Section 11.04 (b) be amended to read as follows: "Unless and until changed pursuant to the provisions of Section (a) hereof, county governments existing at the date of the adopting of this constitution shall continue."

Section 11.04 (c) was approved without change.

Section 11.05 was then considered. It was moved by Mr. Clagett, seconded and by a voice vote

RESOLVED: That the following words should be added to the end of the Section 11.05: "excluding municipal corporations".

Dr. Burdette wished to be recorded as opposing the motion.

It was then moved by Mr. Clagett, seconded and by a vote of 15-4

RESOLVED: That Section 11.05 be amended by the insertion of the words "set forth in its charter" after the word "powers" and to substitute the words "the consent of its governing body" for the words "its consent".

It was the consensus that the words "within its boundaries" should be inserted after the word "corporations" in the first sentence.

After the consideration of Section 11.06 and Section 12.01 a motion by Mr. Clagett to consider the following language for 12.01 was tabled by voice vote: "Nothing in this Constitution shall be construed to prohibit (1) the cooperation of the government of this State with any other governments; or (2) the cooperation of the government of any region, county or other intergovernmental authority with any one or more other governments."

Mr. Clagett then suggested that the constitution include a provision which would require the General Assembly when it creates jobs or expenditures incidental to the establishment and administration of agencies, offices or positions except local boards of education or boards of elections by general law that the General Assembly pay the cost and expenses thereof. After discussion it was moved by Mr. Clagett, seconded and by a vote of 3-12 rejected that the substance of this subject be placed in the constitution.

There being no further business, the meeting then adjourned.

Respectfully submitted,

Robert J. Martineau
Secretary

UNIVERSITY OF MARYLAND LIBRARY

CONSTITUTIONAL CONVENTION COMMISSION

MEETING: SATURDAY, DECEMBER 3, 1966

University of Maryland School of Law
Baltimore, Maryland

MINUTES

ABSENT: FREEDLANDER, HOFF, MILES, MITCHELL, SYKES and WALSH.

The Chairman opened the meeting by relating discussions he had had with the Governor and leaders of the Legislature.

The first order of business was a review of the question of whether delegates to the Constitutional Convention should be elected by legislative district or by county. After discussion it was moved by Dr. Bard, seconded, and by a vote of 14 to 1

RESOLVED: That the Commission should reconsider the previous decision to have the elections held on a county wide basis.

After discussion it was moved by Mr. Case, seconded, and by a vote of 15 to 4

RESOLVED: That delegates to the Constitutional Convention be elected by legislative districts in the same manner as elections for the House of Delegates.

A consensus was reached that the Commission should not be involved in the nomination of election of delegates, but should generally encourage the formation of groups to promote non-partisan slates and the establishment of a state wide coordinating committee for such groups.

The Sixth Report of the Committee on Miscellaneous Provisions was then presented by its Chairman, Mrs. Bothe. It was the consensus that a provision similar to Section 7 of Article I of the present Constitution need not be included in the new constitution. The same was true of Section 50 of Article III; Section 60 of Article III; Section 2 of Article VII; and Section 1 of Article XV.

After discussion of whether the right to a jury trial in civil cases should be included in the constitution, it was moved by Mr. Case, seconded and by a vote of 15 to 1

> RESOLVED: That the following language be included in the new constitution: "Every person shall have the right of trial by jury of issues of fact in civil proceedings at law in the courts of this State in which the amount or value in controversy exceeds such minimum as may be fixed by law."

It was the consensus that no provision similar to Section 10 of Article XV of the present Constitution be included in the new constitution.

Mrs. Bothe then presented the Seventh Report of the Committee on Miscellaneous Provisions concerning provisions for amending the constitution.

The first section of the amending article was discussed. It was moved by Mr. Martineau, seconded and rejected by a vote of 16 to 1 that the legislature be limited to proposing amendments to the constitution which did not amount to a complete revision and to authorize Constitutional Conventions to either amend or completely revise the Constitution. Mrs. Bothe and

Mr. Gentry stated that they voted against the proposal because they felt the language as drafted prohibited the Legislature from completely revising the constitution.

It was the consensus that no initiative provision be included in the constitution.

Section 2 was then considered. It was the consensus to change the last sentence of the section by shifting the words "adopted by the Convention" to after the word "proposals".

It was further the consensus to amend the fourth sentence by deleting the words "proposals to lay before" and substituting the word "for".

A motion by Mr. Sayre to require a three-fifths vote of the two Houses of the General Assembly meeting jointly on constitutional amendments failed for lack of a second.

The Committee on Style was requested to clarify the second sentence to mean any period of twenty years and to consider using the word "changing" in the last sentence to show that it had the same meaning as the word "altering" in the present constitution.

The Eighth Report of the Committee on Miscellaneous Provisions was then considered. It was moved by Mr. Gentry, seconded and unanimously

> RESOLVED: That no provision similar to Section 13 of Article IV of the present Constitution be included in the new constitution.

A motion by Mr. Miller to substitute a provision requiring public commissions and grants of the State to be executed as provided by law was rejected by a unanimous vote.

A consideration of the Committee's recommendation that Section 2 of Article XV of the present Constitution not be included in the new constitution was deferred to the next meeting of the Commission.

A motion by Mr. Case that the Commission reconsider its recommendation that the Office of Comptroller be appointed was adopted by a vote of 11 to 4. After discussion it was moved by Mr. Case, seconded and rejected by a vote of 2 to 14 that the Constitution provide for an Elective Chief Fiscal Officer of the State.

It was unanimously decided that the constitution should not provide for a Department of Revenue or a similar agency charged with the functions now executed by the Comptroller and the Treasurer.

The Seventh Report of the Committee on Political Subdivisions and Local Legislation was then considered. It was the consensus that the word "governments" should be "government" in Section 1, and that a consideration of the deletion of the word "any" be referred to the Committee on Style. It was further the consensus that the meaning of the word "cooperation" was that it included contracts or compacts between the cooperating governments.

It was moved by Mr. Case, seconded, and unanimously

RESOLVED: That the words "with the approval of the General Assembly by law" be deleted.

After discussion, with respect to Article XII, it was moved by Judge Adkins, seconded and by a voice vote

> RESOLVED: That Article XII read as follows: "This Constitution shall permit, except to the extent prohibited by law (and then Sections 1 and 2 would follow as previously amended)."

The Seventh Report of the Committee on the Judiciary Department was then presented by the Committee Chairman, Mr. Martineau.

It was the consensus that Commissioners provided for in Section 5 C shall exercise powers only in the enumerated fields and that the extent to which they exercise the powers shall be prescribed by rule with the precise language to be considered by the Committee on Style.

Mr. Martineau stated that the Committee had changed Section 10 providing for a mandatory poll of lawyers on the qualifications of a judge standing for reelection from mandatory to permissive. It was moved by Mr. Clagget, seconded and by a vote of 3 to 12 rejected that the word "shall" be substituted for the word "may" in Section 10. It was then moved by Dr. Bard, seconded and by a vote of 6 to 9 rejected that the provision for a poll be deleted entirely.

With respect to Section 14, Mr. Martineau stated that the Maryland State Bar Association Committee on Constitutional Revision and the Maryland Judicial Conference had requested the Commission to reconsider its proposal of a term of ten years for judges.

It was moved by Mr. Martineau, seconded and rejected by a vote of 4 to 11 that the Commission reconsider its recommendation.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Robert J. Martineau
Secretary

UNIVERSITY OF MARYLAND LIBRARY

CONSTITUTIONAL CONVENTION COMMISSION

MEETING: MONDAY, DECEMBER 19, 1966

University of Maryland School of Law
Baltimore, Maryland

MINUTES

ABSENT: William Preston Lane, Jr., John W. Mitchell and William C. Walsh.

The minutes of the August meeting were approved subject to a change made by Judge Adkins.

The Chairman then discussed a number of preliminary matters. He requested the Chairman and Reporters of each of the committees that they study their portion of the Constitution to consider whether any schedules for implementation are necessary.

The Eighth Report of the Committee on Miscellaneous Provisions was then considered. This report recommended that Section 11 of Article XV of the present Constitution not be included in the new constitution. It was then moved by Judge Adkins, seconded and rejected by a vote of 7 to 15 that Section 11 of Article XV be included in the new Constitution but without the words "is a member of an organization that".

The Commission then decided to reconsider the Commission's approval of the oath of office. It was moved by Mr. Sykes, seconded and by a vote of 20 to 2

RESOLVED: That the word "declaration" be deleted from the oath.

Mr. Scanlan wished the record to show that in approving the words "political test" in the oath, he did not intend those words to preclude a declaration of party loyalty. Mr. Miles and Mr. Bond concurred in this view, but Mr. Martineau and Dr. Jenkins dissented from this construction.

There being no further business, the meeting was adjourned.

Respectfully submitted

Robert J. Martineau
Secretary

CONSTITUTIONAL CONVENTION COMMISSION

MEETING: MONDAY, JANUARY 16, 1967

University of Maryland School of Law
Baltimore, Maryland

MINUTES

ABSENT: E. Dale Adkins, Jr., Richard W. Case, Martin D. Jenkins, William Preston Lane, Jr., Clarence W. Miles, Edward T. Miller, John W. Mitchell, L. Mercer Smith, Dr. Furman L. Templeton and William C. Walsh.

The Chairman announced that the purpose of the meeting was to review the draft report of the Commission regarding the two Constitutional Convention Enabling Acts.

The report was reviewed in detail and a number of questions were asked concerning various provisions. The Chairman stated that many of the questions would be answered by the forthcoming opinion of the Attorney General concerning the status of delegates to the Constitutional Convention.

After the discussion, it was moved by Mr. Clagett, seconded and by a unanimous vote

RESOLVED: That the Commission approve the report on the Constitutional Convention Enabling Acts.

The Chairman then discussed the preparation of the final report of the Commission.

There being no further business the meeting was adjourned.

Respectfully submitted,

Robert J. Martineau
Secretary

M A R Y L A N D

C O N S T I T U T I O N A L C O N V E N T I O N C O M M I S S I O N

N O T I C E

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John C. Brooks
Executive Director

CONSTITUTIONAL CONVENTION COMMISSION

MEETING: MONDAY, MARCH 20, 1967

University of Maryland School of Law
Baltimore, Maryland

MINUTES

ABSENT: ADKINS, BOND, DELLA, HAILE, MILES, MITCHELL, SMITH & WALSH

The Chairman opened the meeting by expressing his regret and sorrow over the passing of the Honorary Chairman of the Commission, former Governor William Preston Lane, Jr.

The Chairman then explained the progress of the enabling acts for the Constitutional Convention in the Legislature.

The Chairman stated that the Commission would review the draft of the Constitution dated March 6. This draft represented the changes which had been made by the staff and by the Committee on Style. Each section was reviewed sentence by sentence.

Section 1.03: It was moved by Mr. Sykes, seconded and by voice vote resolved that in the first sentence of Section 1.03 the words "with respect to" be deleted, and the words "respecting an" be inserted in lieu thereof.

Section 1.04: After discussion it was moved by Dr. Templeton, seconded and by voice vote resolved that the word "color" be retained in the first sentence of Section 1.04.

Also with respect to the first sentence of Section 1.04, it was moved, seconded and by voice vote resolved that the words "or other governmental action" be included in the sentence in the fifth line.

It was moved by Mrs. Bothe, seconded and by voice vote resolved that Section 1.04 be subdivided and each sentence be a separate section.

Section 3.05: The Chairman stated that the Committee on Style recommended that the words "the same" be deleted and the words "that any of them" be inserted in lieu thereof, in line 21. This was accepted by the Commission.

After discussion, Section 3.05 was referred to the Committee on the Legislative Department and the Committee on Style to consider the following matters:

A. Clear up lines 10 through 17 to make sure that two plants were being discussed; one relating to a congressional districting and the other relating to legislative apportionment.

B. Whether the words "or statutory" should be added before the word "requirements" in line 22.

Section 3.07. It was moved, seconded and by voice vote resolved that the words "all sessions of the General Assembly shall be public", in lines 12 and 13 as proposed by the Committee on the Legislative Department, not be included in the Constitution.

Section 3.09: It was moved by Mr. Scanlan, seconded and by voice vote resolved that the word "selection" in line 11 be deleted and the words "election or appointment" be inserted in lieu thereof.

It was the consensus that the same change would be made through the Article wherever appropriate.

Section 3.13: It was moved by Mr. Sykes, seconded and by voice vote resolved that in line 21 the words "by affirmative vote" be inserted in lieu of the words "with the consent".

Section 3.15: It was agreed that in line 2, the words "current daily" should be inserted before the word "journal".

The question of secret sessions of the Legislature was discussed in connection with this section. After discussion it was moved by Dr. Bard, seconded and by voice vote resolved that the following sentence be added after the word "House" in line 11: "a vote in joint session or by either House on any Bill or Resolution shall be taken only in public session".

Section 3.18: It was the consensus that in line 2 the words 'the style of every law" should be inserted in lieu of "the style of all laws" and in line 14 to add the word "law" after the words "as it" and delete in line 13 the words "the same as".

Section 4.01: It was the consensus to insert in line 3 the words "who shall be" in lieu of the words " and he shall be".

Section 4.02: It was moved, seconded and by voice vote resolved that the first sentence in Section 4.02 read as follows: "at the time of his election the Governor shall have attained the age of thirty years and shall have been a qualified voter in the State for at least two years immediately preceding his election."

Section 4.03: It was the consensus to take the last sentence of Section 4.03 and put it as the last sentence of Section 4.02. It was agreed that Section 4.03 should read as follows: "At the time of his election the Lieutenant Governor shall have attained the age of thirty years and shall have been a qualified voter in the State at least two years immediately preceding his election. No person elected Governor for two consecutive terms shall be eligible to hold the office of Lieutenant Governor until one full term has intervened."

Section 4.04 and 4.05: It was the consensus that these two sections shall be combined.

Section 4.16: In line 7 the word "is" was substituted for the words "shall be".

Section 4.21: It was the consensus in line 16 that the words "its next" be deleted and the word "a" be inserted in lieu thereof. Also, in line 15, the word "the" was deleted.

Section 6.10: It was agreed that the words included in the brackets in lines 11 through 13 should be included in the section. Section 9.01 was also discussed at the same time. It was the concensus that the alternate proposed on page 53 should be included except that the word "directly" in line 3 should be deleted.

Section 5.04: It was the consensus that the second sentence of Section 5.04 should read as follows: "During a vacancy in the office of chief justice, or during a period when the chief justice is unable to serve, as determined by the Supreme Court, the associate justice senior in service on the Supreme Court shall have the powers and duties of the office of chief justice."

Section 5.13: It was moved by Mr. Clagget, seconded and resolved that Section 5.13 be amended by inserting in the second line thereof the words "be a citizen of the state and shall" between the words "shall" and "have".

Section 5.16: It was the consensus that the word "rule" in line 12 should be changed to "law".

Section 5.17: It was the consensus that the last sentence of section 5.17 should read as follows: "eligibility and elections of lawyer members of nominating commissions and eligibility of their electors shall be governed by rule."

Section 5.27: It was the consensus that the word "chief" should be added before the word "clerk" in line 4 and that the words "chief deputy" should be deleted in line 6.

It was the consensus that the words in lines 6 and

7 reading "before the courts of the" should be deleted and inserted in lieu thereof "law in this" and to insert in line 7 the word "so" before the word "admitted" and to delete the words "to the bar" in line 8.

Section 7.02 and Section 7.03: It was the consensus that the sections should be combined and that the combined sections would read as Section 7.02 with the following sentence added at the end: "A law altering the boundaries of a county shall be enacted by the affirmative vote of at least three-fifths of all members of each house."

Section 7.06: It was the consensus that the words in line 18 "to the state or" should be placed in line 19 after the word "counties" and the word "or" should be deleted.

Section 9.01: It was the consensus that Section 9.01 should read as follows: "no tax shall be imposed except for a public purpose and except by the elected representatives of the people exercising legislative powers."

Section 10.01: It was the consensus that line 12 should read as follows: "general assembly or the convention, whichever proposes the amendment."

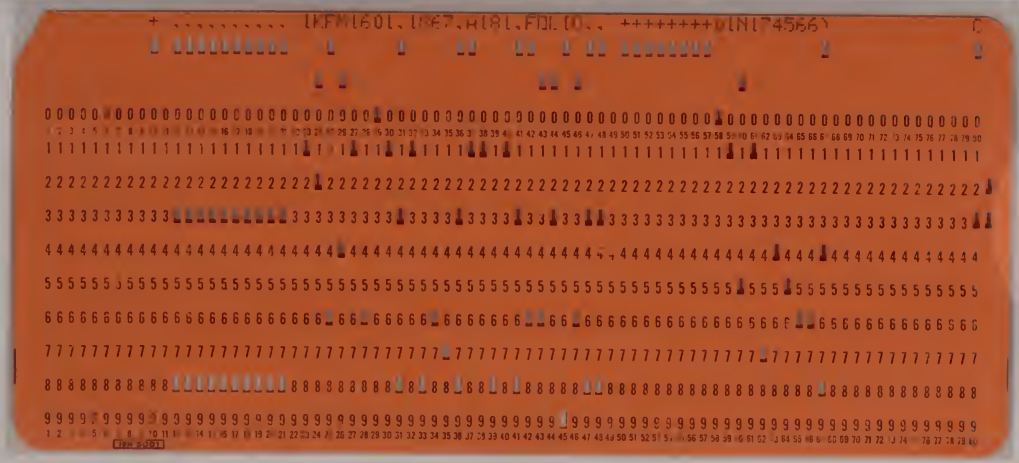
Section 10.02: It was the consensus that the material in brackets in lines 3 through 5 should not be included in the section.

It was further the consensus that the word "selection" in line 13 should be "election".

There being no further business, the meeting was adjourned.

Respectfully submitted

Robert J. Martineau
Secretary



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